IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 27746 of 2007(C)

AGAINST THE ORDER IN EA.254/05EP.328/02 IN OS.416/2000 of I ADDL.M.C.,NEYYATTINKARA

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PETITIONER:

B. MADHU, S/O. BALAKRISHNAN NADAR,
AGED 38 YEARS, SULIMPURI BHAVAN,MULLOOR PULINKUDI,
VIZHINJAM, THIRUVANANTHAPURAM.

BY ADV. SRI.J.DEVADANAM
SRI.VINOD J.DEV
SRI.PRAMOD J.DEV

RESPONDENT:

THULASIDHARAN, S/O. KUTTAN PANICKER,
SATHEESH BHAVAN, PULINKUDI, MULLOOR, VIZHINJAM,
THIRUVANANTHAPURAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.27746 of 2007

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Dated this the 4th day of October, 2007.

JUDGMENT

This Writ Petition is filed seeking a direction to the Subordinate Judge, Neyyattinkara to pass orders to redeliver the scheduled property bid by the decree holder on payment of the entire decree amount. I am at a loss to understand how this Writ Petition is maintainable. The sale has been conducted under the provisions of the Code of Civil Procedure. It has been confirmed and sale certificate issued and delivery effected. So, unless and until those orders are set aside, there is no question of any consideration of this matter at all and for the said purpose, the appropriate forum is elsewhere and also there are questions of limitation which may loom large.

Therefore, this Writ Petition lacks merits and it is dismissed.

M.N.Krishnan,
Judge.

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